

Minutes
Well Contractors Certification Commission Meeting
February 11, 2014
Raleigh, NC

The regularly scheduled meeting of the Well Contractors Certification Commission was called to order on Tuesday, February 11, 2014 at **11:08 am** at 5605 Six Forks Rd. ("Bldg 3"), Raleigh, NC, 1st Floor, Cardinal Conference Rm. with Chairman Casey Champion presiding. The following persons were in attendance for the meeting:

Commission Members

John Boyette Jr
David Brown
Cassandra Champion
Chris Dickey (via phone)
Jonathan Dills
Daniel Ortiz
Thomas Whitehead

WCC Staff

Andrew Morgan
Joanne Rutkofske

DHHS Staff

Legal Staff

Mabel Bullock

Guests

I. Preliminary Matters

(1) Chairman Casey Champion welcomed everyone in attendance and called the meeting to order. She then read the NC State Government Ethics Act which mandates that the Chairman inquire as to whether any member knows of a conflict of interest or appearance of conflict with respect to matters before the Commission. She asked if any member knows of a conflict of interest or appearance of a conflict. No conflicts noted.

(2) The chairman also read a statement on the purpose of the Well Contractors Certification Commission: (Article 7A-Well Contractors Certification, G.S. 87-98.3). **Purpose:** It is the purpose of this Commission to protect the public health and safety by ensuring the integrity and competence of well contractors, to protect and beneficially develop the groundwater resources of the State, to require the examination of well contractors and the certification of their competency to supervise or conduct well contractor activity, and to establish procedures for the examination and certification of well contractors.

(3) The Commission reviewed the November 7, 2013, meeting minutes. Commissioner Ortiz made a motion that the minutes be approved. Commissioner Whitehead made a second to the motion. A vote was taken and the motion passed unanimously.

(4) Commissioner Pharr was not present to receive his service award so staff will mail.

(5) The Commission welcomed its' newest member, Jonathan Dills. Mr. Dills fills the "person at large" seat on the Commission.

(6) The Statement of Economic Interest evaluation for Joanthan Dills was read by Chairman Champion. The State Ethics Commission was in receipt of Dills' statement and did not find an actual conflict of interest or the potential for a conflict of interest.

(7) Notation of Any Revisions or Additions to the Agenda: Add to agenda topic of rules enforcement.

II. Action Items

(1) Appointment to Review Committee: Commissioner Ortiz made a motion that David Brown be appointed to the Review Committee. Commissioner Whitehead made a second to the motion. A vote was taken and the motion passed unanimously.

Appointment to Budget Committee: Commissioner Ortiz made a motion that John Boyette, Jr. continue to serve on the Budget Committee. Commissioner Whitehead made a second to the motion. A vote was taken and the motion passed unanimously.

(2) Dale Dawson of the NC State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors was invited to attend this meeting to discuss the Board and Commission positions on well disinfection relating to the limited exemption for plumbers in G.S. 87-98.4(b)(13). Mr. Dawson could not make today's meeting as the Board's meeting is also being held today. Chairman Champion instructed staff to invite Mr. Dawson to the next Commission meeting scheduled for May.

Included in the meeting packet is a recent Board newsletter which had an article clarifying the Board's position on what activities are allowed by plumbers that qualify for the limited certification exemption. The Commission's legal counsel reviewed this and the G.S. 87-98.4(b)(13) exemption. Counsel stated that in their opinion the G.S. has a broader meaning than how the Commission has interpreted it. However, it is always up to Boards/Commissions to make those determinations. Counsel recommended sending the Board a letter stating the Commission's position on how this exemption is interpreted.

Commissioner Boyette made a motion that the Commission direct the Review Committee to draft a position statement of the Commission on this topic, to be brought back to the Commission for a vote before then being sent to the Board. Commissioner Brown made a second to the motion. A vote was taken and the motion passed unanimously.

(3) Commissioner Brown brought up the topic of rule enforcement. Any way to improve upon it? One staff person handles enforcement of the certification rules for the entire state so county involvement is essential. To do this, staff presents training on certification at CIT which is for all new county staff. Wilson Mize is available as a "regional" contact if there are problems with a county. Also, staff sends out the Drillers Digest Newsletter two times per year on the List Serve which reaches all counties and by mail to all well contractors to update well contractors and county staff on news and events relating to well contractor certification and other well related topics.

III. Information Items

(1) NC/TN reciprocity agreement draft-

Draft agreement reviewed by Commission. Recommendation made to add a survivorship clause which legal council will help draft. On page 3 the potential start date set at July 1, 2014.

Staff instructed to send agreement back to Anna Rollins and Luke Ewing of the TN Dept. of Environment & Conservation, Water Well Program, for signatures.

(2) Attorney General Enforcement Update-

Commission counsel Mabel Bullock does not have anything to report at this time.

(3) Staff Report-

The staff report was presented by Drew Morgan. The report outlined several exams, overall exam statistics, OCEs, exam reviews, field observations and course audits performed by staff. Exam statistics for July-December 2013 show a 68% passing rate.

(4) Budget Committee Report-

The Budget Committee report was presented by Chairman Champion. The Committee approved \$2,499.52 in funding for continuing education through Pender County. One staff member approved to be sent to NGWA 2014 Expo to audit classes. Difficulty getting Section approval on outreach supplies. Commissioner Champion has met with various DHHS personnel to keep items moving. Approved staff to order 2,500 pens (price-break amount) for outreach items.

(5) Review Committee Report-

Commissioner Ortiz presented the Review Committee report for Committee meetings held Dec. 2013 – Jan. 2014. Numerous applications and courses were reviewed and approved. Some

courses were denied approval because they did not meet the 30-day preapproval requirement. One scholarship was awarded to attend the Jan. 2014 NCGWA class. The Commission was updated on progress with establishing a reciprocity agreement with Tennessee.

(6) Ethics Update-

Joanne Rutkofske provided the Ethics update. A tracking list of when each Commissioner must obtain additional Ethics training was provided. One commissioner being informed they were overdue for their training. A reminder of 2014 SEI filing deadline from the N.C. Ethics Commission was also included.

V. Upcoming Meetings

Commission Meeting – May 7, 2014 @ 11am, 5605 Six Forks Rd., Raleigh, NC

Review Committee – March 4, 2014 @ 10am, 4000 Chi Rd., Raleigh, NC

April 8, 2014 @ 10am, 4000 Chi Rd., Raleigh, NC

May 7, 2014 @ 9am, 5605 Six Forks Rd., Raleigh, NC

Budget Committee – July 26, 2014 @ 10am, Myrtle Beach, SC (@JUBILEE)

VI. Closing Remarks

No closing remarks.

VI. Adjournment

With no further business or comments from Commission or Staff, the meeting was adjourned at 11:50 am.

Respectfully submitted,

Joanne Rutkofske
WCC Staff

Approved by WCCC:

Cassandra "Casey" Champion, REHS, NCWC
Chairman, Well Contractors Certification Commission
www.wellcontractors.nc.gov

Date